

### **Remarks**

Upon the mailing of the Office Action, claims 1-22 were pending in this application. The applicant submits the above-identified amendments, along with a petition to revive the abandoned application based on unintentional abandonment. The applicants respectfully submit that this response, along with the necessary fees and petition are sufficient to revive this application. The applicant respectfully requests such action of the Office.

### ***Election/Restriction***

The Office has indicated that the currently pending claims, claim 1-22, are being subjected to a two-way restriction requirement. Namely, the Office has indicated that claims recite distinct inventions as follows:

Group 1: Claims 1-16 are directed to an apparatus for transmitting orthogonal signals classified in class 370, subclass 204

Group 2: Claims 17-22 are directed to a method for a selection of modulation scheme, classified in class 375/261.

The applicant wants to point out that actually, claims 1-9 are directed towards an apparatus but claims 10-16 are actually method claims.

Nonetheless, the applicant hereby submit an election for the examination of Group 1 claims, namely claim 1-16 and the applicant cancels claims 17-22.

**Conclusion.**

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

/Gregory Scott Smith/

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